

## District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Beckley

Date: 10/26/2011

Case Number 5:11-cr-38

Case Style: USA vs. Hughie Elbert Stover

Type of hearing Criminal Jury Trial - Day 3

Before the honorable: 2516-Berger

Court Reporter Lisa Cook

Courtroom Deputy Kierstin Tudor

Attorney(s) for the Plaintiff or Government Blaire Malkin, Larry Ellis, & Philip Wright

Attorney(s) for the Defendant(s) William Wilmoth & William OBrien

Law Clerk Matt Delligatti

Probation Officer

### Trial Time

Jury Trial. Day No. 3

### Non-Trial Time

### Court Time

9:20 am to 9:33 am

10:02 am to 11:35 am

1:26 pm to 1:27 pm

4:21 pm to 4:24 pm

5:31 pm to 5:38 pm

Total Court Time: 1 Hours 57 Minutes Court actively conducting trial proceedings/Contested proceedings

### Courtroom Notes

#### CRIMINAL TRIAL - DAY THREE

Scheduled Start 9:00 a.m.

Actual Start 9:20 a.m.

Defendant present in person and by counsel.

Court goes over proposed jury charge with counsel.

Court recessed at 9:33 a.m.

Court resumed at 10:02 a.m.

Jury brought in.

Court gives final instructions to jury.

Ms. Malkin begins closing argument on behalf of Government.

Mr. Wilmoth makes closing argument on behalf of Defendant.

Mr. Ellis concludes closing argument on behalf of Government.

Alternate juror released.

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Jury excused to deliberate at 11:33 a.m.  
Court recessed at 11:35 a.m.

Court resumed at 1:26 p.m.  
Court addresses note from jury (marked as Court Ex. 1).  
Court recessed at 1:27 p.m.

Court resumed at 4:21 p.m.  
Court addresses note from jury (marked as Court Ex. 2).  
Court recessed at 4:24 p.m.

Court resumed at 5:31 p.m.  
Jury has reached verdict.  
Jury brought in.  
Court inspects jury verdict and reads same aloud.  
Defendant GUILTY as to Count One and GUILTY as to Count Three.  
Court polls jury.  
Jury excused.  
Sentencign set for February 29, 2012, at 11:00 a.m.  
Defendant released on prior bond pending sentencing.  
Court adjourned at 5:38 p.m.